

REMARKS/ARGUMENTS

Claims 1-8 are pending herein. Claims 1-8 have been amended to address matters of form. Claims 9 and 10 have been cancelled without prejudice or disclaimer.

1. Applicants hereby affirm the provisional election to prosecute claims 1-8 in the present application. The non-elected claims have been cancelled without prejudice or disclaimer. Applicants presently intend to file a divisional application for the non-elected claims, and thus reserve the right under 35 USC §121.
2. The objections to the Abstract are noted, but deemed moot in view of the rewritten Abstract submitted above.
3. The objections to claim 1 are noted, but deemed moot in view of the rewritten claims submitted above.
4. Claims 1-8 were rejected under §102(e) over Theil. This rejection is respectfully traversed.

Claim 1 recites, among other things, a photoelectric detection device wherein the lower electrodes are positioned on an individualized insulating zone, which is elevated with respect to the insulating substrate. The upper electrode is not flat and is inserted between two adjacent zones until it reaches a level below that of the lower electrodes.

Theil discloses, in Fig. 2, a photoelectric device, as is well defined in the background section of the present specification. The lower electrode 220 is attached directly to a top capping layer 210 that is common to multiple pixels. Applicants respectfully submit that this commonality is one of the design flaws overcome by the presently claimed invention.

The Examiner is respectfully requested to compare Fig. 1 (prior art) of the present specification with Fig. 2 of Theil. Both show the lower electrodes 2 (Fig. 1), 220 (Theil Fig. 2) attached directly to an insulating support 1 (Fig. 1), 210 (Theil

Fig. 2). In both cases, the insulating support contacts the lower electrodes of at least two pixels, which increases the potential for optical intermodulation.

In response to the Examiner's contention that column 1, lines 49-53 of Theil discloses the claimed feature of elevating the lower electrode, Applicants respectfully submit the following. This citation states that "the pixel sensors are elevated above the signal processing circuitry on the semiconductor wafer." The signal processing circuitry disclosed would be placed below the insulating layer 1 in the case of the present invention, as it is shown below the top capping layer 210 in Theil. Therefore, the statement does not, in any way, disclose the placement of the lower electrode on an individualized insulating zone that is placed on top of an insulating support, which is possibly placed above circuitry.

By comparison, Fig. 2 of the present specification shows an embodiment of the present invention where the lower electrode 2 is elevated above the insulating support 1 by an individualized insulating zone that reduces the possibility of optical intermodulation (which is experienced by prior art designs). The lower electrode does not contact the insulating support 1 as is disclosed in Theil and the prior art shown in Fig. 1 of the present application. Therefore, for the above-mentioned reasons, Theil fails to disclose the feature of having the lower electrodes positioned on an individualized insulating zone, which is elevated with respect to the insulating substrate, as recited in claim 1.

At this point, the Examiner is also requested to note in Figs. 2 and 3 how the upper electrode 4 reaches a level below that of the lower electrodes 2, as recited in claim 1. Applicants respectfully submit that the Examiner's contention that this feature is disclosed in column 1, lines 12-67 and column 3, line 28 -- column 4, line 31 of Theil is incorrect. These citations merely describe the prior art already discussed in Fig. 2 of Theil, which clearly fails to disclose this feature. Therefore, Theil fails to disclose the feature of having the upper electrode inserted between two adjacent zones until it reaches a level below that of the lower electrodes, as recited in claim 1.

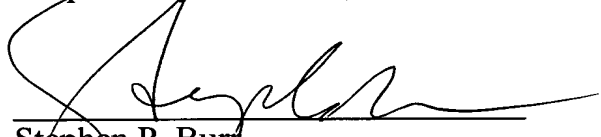
For at least the reasons stated above, Theil fails to disclose a photoelectric device wherein the lower electrodes are positioned on an individualized insulating zone which is elevated with respect to the insulating substrate, and the upper electrode is not flat and is inserted between two adjacent zones until it reaches a level below that of the lower electrodes, as recited in claim 1. Since claims 2-8 depend directly from claim 1, claims 2-8 are also believed to be allowable over the applied art. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

December 7, 2005
Date

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

SPB/TE/tlp

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320

Attachments: Appendix A- Substitute Specification
Appendix B- Marked-up Specification